

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 21, 2001

DIVISION ONE

112624-01

The HONORABLE ORVILLE A. ARMSTRONG, Associate Justice of the Court of Appeal, Second Appellate District, Division Five, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a Justice thereof, on the following dates:

June 27, 2001

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: June 15, 2001

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

B130281 Ko et al.
 v.
 T.S. Lin et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J., McKnew, J. (Assigned) and G. Villanueva, Deputy Clerk.

DIVISION TWO (Continued)

Each of the following:

B141718 People v. Calhoun
B139599 People v. Jones
B140322 People v. Brayboy
B141226 People v. Camerano
B144267 People v. Allard
B141476 People v. Calloway
B142479 People v. Forbes & Jamison
B124584 People v. Cano
B139104 People v. Amest
B144870 People v. Drake
B140410 People v. Jo
B143081 People v. Jackson
B143693 Frazier v. Holbrook
B136987 Adelman v. B.W. Hotel
B143766 Green v. Granoff
B145623 People v. Cope
B142405 Lebon v. Aerolinas Argentinas
B139375 People v. Nguyen
B144154 People v. Ross
B144413 People v. Robles
B142980 People v. Brandon F.
B146123 People v. Geronimo H.
B146407 In re Elizabeth C.
B147204 In re Mayumi B.
B146274 People v. Aaronj B.
B143803 People v. Michele Elaine D.
B147029 People v. Raizada
B136490 Stasz v. Rodi
B142394 People v. Wuerth
B148794 Jennie H. v. S.C.L.A.
B141628 Inncity Steel Co. v. Bumgarner
B141286 People v. Nesbitt
B142270 People v. Wheeler
B145341 People v. Latimore
B145302 People v. Ramos
B145549 People v. Turco
B144406 People v. McDonough

Argument waived, cause submitted.

DIVISION TWO (Continued)

B142763 Key
 v.
 Farmers Insurance

Merits:
Argued by John Saur for appellant and by Jeffrey Leist for respondent.
Cause submitted.

B141250 Malley
B141520 v.
 Tokai Bank of California

Merits:
Argued by Bruce Dunn for appellant and by Carl Grumer for respondent.
Cause submitted.

B143708 Arnold
 v.
 Dow Chemical et al.

Merits:
Argued by Raphael Metzger for appellant, by Andrew Detherage for respondent Dow Chemical, by John Dwyer for respondent FMC Corp., by David Allen for respondent Van Waters, by Kendra Hall for respondent Lumber City, by Gerald Peters for respondent Q.B. Scott and by James Moore for respondent Bayer Corp. Cause submitted.

Court recessed.

Court convened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J. and Villanueva, Deputy Clerk.

DIVISION TWO (Continued)

B145312 In Re David L.
 Dept of Children & Family Svcs
 v.
 Julie S.

Merits:

Argued by Craig Arthur for appellant and by Sterling Honea, deputy county counsel, for respondent. Cause submitted.

B144587 L.A. Police Protective League
 v.
 City of Los Angeles

Merits:

Argued by Diane Marchant for appellant and by Janis Barquist, deputy City Attorney for respondent. Cause submitted.

B147144 Hughes Electronics
 v.
 Superior Court, Los Angeles County
 (Abbadessa, r.p.i.)

Merits:

Argued by Warrington Parker for petitioner and by Robert Jarchi for real party in interest. Cause submitted.

B135438 Herman
 v.
 City National Bank

Merits:

Argued by Diana Spielberger for appellant and by Patricia Snyder for respondent. Cause submitted.

DIVISION TWO (Continued)

B148802 Williams
v.
Superior Court, Los Angeles County
(The People, etc., r.p.i.)

Merits:

No appearance for petitioner. Argued by Phyllis Asayama, deputy district attorney, for real party in interest. Cause submitted.

Court adjourned.

DIVISION THREE

B146208 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Douglas M.

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B146129 People (Not for Publication)
v.
Michael Anthony R.

For the foregoing reasons, the judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B138512 Inglewood Committee to
Save Market Street et al. (Not for Publication)
v.
City of Inglewood et al.

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

B145625 People (Not for Publication)
v.
Villegas

For the foregoing reasons, the judgment is modified to reduce the enhancements imposed on counts 7,9,10,12, and 13 from three years and six months, each, to three years and four months, each, and to reduce the total sentence from 39 years 10 months to 39 years. As modified, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B146045 People (Not for Publication)
v.
Hardiman

For the foregoing reasons, the judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

DIVISION FOUR (Continued)

B137927 Maize (Not for Publication)
v.
Savant

The order appealed from is affirmed. Respondent is to have his costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B139463 Gaulin et al. (Not for Publication)
v.
SunAmerica, Inc., et al.

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B141611 Ruiz et al. (Not for Publication)
v.
Aviation Industries Corp.

The order appealed from is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

DIVISION FOUR (Continued)

B134764 People (Not for Publication)
v.
Donaldson et al.

Compton

The judgment of conviction on counts 9 and 10 is reversed. The judgment is modified to provide that as to count 7 the minimum term is 30 years, consisting of a 15-year minimum pursuant to Penal Code section 186.22, subdivision (b)(4), doubled pursuant to Penal Code section 667, subdivision (e)(1). The judgment is further modified to include an additional restitution fine of \$1,000 which shall remain suspended unless and until defendant violates parole, pursuant to Penal Code section 1202.45. As so modified, and in all other respects, the judgment is affirmed. The trial court shall send a corrected abstract of judgment to the Department of Corrections.

Donaldson

The judgment of conviction on counts 9 and 10 is reversed. The judgment is modified to delete two 1-year enhancements purportedly pursuant to Penal Code section 667.5, subdivision (a), and to insert in lieu thereof two 5-year enhancements pursuant to Penal Code section 667, subdivision (a). As so modified, and in all other respects, the judgment is affirmed. The trial court shall send a corrected abstract of judgment to the Department of Corrections.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B141135 Madden, Jones, Cole & Johnson (Not for Publication)
v.
Ozden et al.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION FOUR (Continued)

B143298 Twentieth Century
Fox Film Corporation (Not for Publication)
v.
Haskin et al.

The orders are affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION FIVE

B142026 Lopez (Not for Publication)
v.
Perez

The judgment is affirmed. Defendant and respondent Omar Perez, M.D. is awarded his costs on appeal.

Grignon, J.

We concur: Turner, P.J.
Willhite, J. (Assigned)

B140248 Brown (Not for Publication)
v.
Fletcher

The judgment is affirmed. Respondent Frank I. Fletcher is awarded his costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B147495 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Toni R.

The juvenile court's December 11, 2000 order, terminating the parental rights of Toni R. to Alexandra S. is affirmed.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B141604 Falcon Group, S.A.R.L. (Not for Publication)
v.
Chuck Norris International et al.

The judgment is modified to reduce the award of damages from \$169,000 to \$55,000. As modified, the judgment is affirmed. Respondents Chuck Norris International, Ltd., Chuck Norris, and Myron Emery are awarded their costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Willhite, J. (Assigned)

B144728 People (Not for Publication)
v.
Wright

The judgment is modified to reflect defendant is to receive presentence custody credit as follows, 228 days of actual custody credit plus 114 days of conduct credit for total credits of 342 days. On remand, the clerk of the superior court is directed to amend the abstract of judgment accordingly and to deliver a copy of the amended abstract to the Department of Corrections. The judgment as modified is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B144781 T-USA, Inc., et al. (Not for Publication)
 v.
 Premier Capital, Inc.

The order is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Willhite, J. (Assigned)

B145657 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Ebony L.
 In re ASHLEY M. A Person Coming Under the Juvenile Court Law

The orders are affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B145958 People (Not for Publication)
 v.
 Dilla

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B142769 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

B141536 County of Los Angeles (Not for Publication)
v.
Negoescu

The order denying defendant's motion to set aside a default judgment entered in favor of plaintiff is affirmed. Each side is to bear its own costs on appeal.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B143170 Chambers (Not for Publication)
v.
Chambers

The judgment (order denying interest and awarding wife \$8,175 attorneys' fees) is affirmed. The parties shall bear their own attorneys' fees and costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B147226 Guerrero (Not for Publication)

V.

Fleming Companies, INC., et al.

Aliotti

The order imposing monetary sanctions is modified by reducing the amount of sanctions to \$1,032. As modified, the order is affirmed. Appellants shall recover their costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.

Coffee, J.

B142646 People (Not for Publication)

V.

Smith

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.

Coffee, J.

B148646 People (Not for Publication)

V.

Gomez

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.

Coffee, J.

DIVISION SIX (Continued)

B147930 Cassandra B. (Not for Publication)

V.

San Luis Obispo Superior Court
(Department of Social Services, r.p.i.)

We deny the petition and affirm the orders of the court.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B141923 Henkels (Not for Publication)

V.

Henkels

The judgment is affirmed. Costs are awarded to husband.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B143523 People (Not for Publication)

V.

Aguayo

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.